

San Diego
Regional Water Quality
Control Board



Executive Officer's
Report

August 10, 2005

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Attachments for A-1, B-1, B-2, B-8 and B-9 are included at the end of the report. Also included as an attachment are the Significant NPDES Permits, WDRs and RB Actions.

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

August 10, 2005

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **Role of Ombudsman at the Regional Board** *(Michael McCann) (Attachment A-1)*

Each of nine Regional Boards and the State Water Resources Control Board have a designated ombudsman to perform a number functions helpful to the boards and the public. Two principal responsibilities of the ombudsman is to identify and implement measures to assist in communicating with the public and responding to and resolving complaints from within and from outside the Regional Board. Attached (A-1) to today's report is a detailed description of the ombudsman's role at the Regional Board. In over 10 years that we have had an ombudsman position, we have seen as a result of the ombudsman's efforts numerous complaints and issues successfully resolved.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. **Sanitary Sewer Overflows (SSO)** *(Charles Cheng, Bryan Ott, Victor Vasquez) (Attachment B-1)*

From July 1 to July 31, 2005, there were 22 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; 7 of these spills reached surface waters or storm drains, none of which resulted in closure of recreational waters. Of the total number of overflows from public systems, five were 1,000 gallons or more. The combined total volume of reported sewage spilled from all publicly owned collection systems for the month of July 2005 was 20,440 gallons.

There were also 3 sewage overflows from private property reported in July 2005. None of these spills reached surface waters or storm drains, nor resulted in closure of recreational waters. Of the total number of overflows from private property, none were 1,000 gallons or more.

The total rainfall amount for July 2005 recorded at San Diego Lindbergh Field was 0.01 inches. For comparison, in June 2005, a total of 0.02 inches of rainfall was recorded, and 13 public SSOs were reported. Also for comparison, in July 2004, no amount of rainfall was recorded at San Diego's Lindbergh Field and 17 public SSOs were reported.

Attached is a table entitled "Sanitary Sewer Overflow Statistics," updated through July 31, 2005, which contains a summary of all sanitary sewer overflows (by FY) from each agency since FY 2001-2002.

It should be noted that the data for spill volume per volume conveyed (GAL/MG) could be easily misinterpreted. For a sewer agency that has a small system size but experienced a spill of a few hundred gallons or more, the value may show high. Also, for a sewer agency that has a large system size, a high volume spill event may not result in a high value for this statistic. Hence, these numbers by themselves are not sufficiently representative of the measures being taken by a sewer agency to prevent SSOs, nor can the numbers be compared directly between agencies. The data does represent a different way to review and analyze SSO volume data as it relates to system size.

Based on preliminary data, the total number of sanitary sewer overflows during FY 04-05 is 266. Among those, many resulted from inflow and infiltration (I&I) due to the severe rains this region experienced last winter. For comparison, the total number of SSOs for fiscal years 01-02, 02-03, and 03-04, was 445, 427, and 275, respectively. The preliminary data indicate that the total number of SSOs has decreased over the years and has leveled off during the last two-year period.

Additional information about the Regional Board's SSO regulatory program is available at the Regional Board's website at <http://www.waterboards.ca.gov/sandiego/programs/sso.html>.

One Notice of Violation (NOV) was issued in July for recent significant overflows. The NOV was issued for the events described below:

City of Vista

- The City of Vista notified this office of a 28,600-gallon sanitary sewer overflow (SSO) that occurred on April 2, 2005 from the City's wastewater collection system at the intersection of South Melrose Drive and Green Oak Road in Vista. The City reported that this overflow resulted from vandalism to a manhole that was blocked with rocks and other materials. The City reported that this overflow reached Agua Hedionda Creek, tributary to Agua Hedionda Lagoon and the Pacific Ocean. A report from the County of San Diego Department of Environmental Health indicated that this SSO resulted in the posting of signs warning of sewage-contaminated water at creek access points at Buena Vista Park in Vista and the closure of ocean recreational waters adjacent to a portion of Carlsbad State Beach in Carlsbad to prevent public contact with waters that may have been impacted by the overflow.
- The City of Vista notified this office of a 1,725-gallon SSO that occurred on June 15, 2005 from the City's wastewater collection system at 3555 Winslow Road in Oceanside. The City reported that this overflow resulted from a grease blockage in a sewer main line. The City reported that this overflow reached Lake Calavera in Carlsbad.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in July 2005 (Stacey Baczkowski) (Attachment B-2)

Section 401 of the Clean Water Act requires that any person applying for a federal permit or license which may result in a discharge of pollutants into waters of the United States,

must obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. The majority of project applications are submitted because the applicant is also applying for a Section 404 permit from the Army Corps of Engineers, for filling or armoring of creeks and streams. See attached table (B-2).

Public notification of pending 401 Water Quality Certification applications can be found on our web site at: <http://www.waterboards.ca.gov/sandiego/programs/401cert.html>.

3. Grants Update (Dave Gibson)

Status of Proposition 13 and 319(h) Grant Program Projects

The Regional Board and the State Water Resources Control Board (SWRCB) are continuing to work with as many as 4 Proposition 13 grantees who are now in breach of contract or whose projects are considerably behind schedule. The Regional Board will work with these grantees in an attempt to return them to schedule, but it may be necessary to recommend termination of the contracts if the grantee fails to make satisfactory progress on the project.

Negotiation of the final grant agreement for the County of San Diego's Rainbow Creek Nutrient TMDL Implementation project is proceeding after approval by the State Board of proposed modifications to the project.

Proposition 50 Integrated Regional Water Management (IRWM) Grant Program

The SWRCB and the Department of Water resources (DWR) received 54 proposals for IRWM Planning grants. Reviewers for these proposals included representatives from the State and Regional Water Boards, DWR, State Coastal Conservancy, Department of Fish and Game, and California Coastal Commission. Technical reviews were completed and submitted to the lead reviewer by June 24, 2005, and consensus reviews among the reviewers for each proposal were determined and passed up the SWRCB and DWR for additional review. The Selection Panel will complete the review process and submit a preliminary funding recommendation to the SWRCB and DWR by August 29, 2005.

The application due date for Step 1 Implementation grants was July 14, 2005.

Approximately 50 proposals were received including two from the San Diego Region. Technical Reviews for these proposals are due on September 22, 2005. The multi-agency consensus reviews will be completed by October 7, 2005 and the subsequent joint SWRCB and DWR review process and call-back list will be completed by December 2, 2005.

The draft Proposal Solicitation Package (PSP) for Step 2 Implementation grants was released for public comment in mid-June 2005. The draft Step 2 PSP contains the detailed scoring criteria and procedures for submitting Step 2 applications for grant funding. Submittal of a Step 2 proposal will be by invitation only following the technical reviews of the Step 1 Implementation Grant proposals. Public comments on the Draft Implementation Grant Step 2 Proposal Solicitation Package are due August 19, 2005.

Consolidated Proposition 40 and Proposition 50 Grants Program

The Consolidated Grants Program will make approximately \$142 million dollars available statewide for projects starting in late 2006. The draft Guidelines for the program should be available for public review and comment in September 2005. Most of the grant funds must be encumbered by December 2006 and the projects must be completed by the grantees no later than September 2008. The Proposition 40 and Proposition 50 programs that will be included in this Consolidated Grants Program include:

- Coastal Non-Point Source Pollution Control Program (\$44.1 Million);
- Non-Point Source Pollution Control Program (\$19 Million);
- 319(h) Program (\$4.5 Million);
- Agricultural Water Quality Grant Program (\$14 Million).
- Integrated Watershed Management Program (\$47.5 Million);
- Urban Storm Water Program (\$14.25 Million);
- CALFED Watershed Program (\$6 Million); and
- CALFED Drinking Water Program (\$3.4 Million).

Grant awards are expected to range from \$250,000 to \$5,000,000. This will be the last significant grant program from the Proposition 40 and 50 bond act funds.

Implementation of regional and state priorities will be emphasized in the Consolidated Grants. Each Regional Board identified 25 watershed specific and 5 region wide priorities for funding under the Consolidated Grants program. The identified regional priorities (up to 30 per region, as outlined above) will be stated in the Guidelines and subject to review and comment by stakeholders. Partner agency priorities were also received from the Resources Agency. Stakeholders at the three public meetings requested that the priorities identified by the Regional Boards and partner agencies be as specific as possible.

The 30 priorities identified for the San Diego Region were derived from a review of the Watershed Management Planning documents, the Watershed Urban Runoff Management Plans, the and draft project lists from the Integrated Regional Water Management planning efforts in the San Diego Region. An effort was made to ensure that the priorities were fairly distributed across all 11 hydrologic units.

Clean Beaches Initiative Grant Program

The State Water Board received 10 eligible proposals requesting \$15.1 million (\$22 million available) by the June 30, 2005 deadline for consideration at the Clean Beaches Task Force meeting on August 3, 2005. The State Water Board is sponsoring an Enclosed Beach Symposium and Workshop on August 17-18, 2005. The Workshop is open to the public on August 17th and by invitation on August 18th. Additional information and registration for the Workshop can be found at:

http://www.healthebay.org/news/2005/06_17_cbi/

Funding Fair

The SWRCB will host a one-day Funding Fair on November 4, 2005 in Sacramento. The purpose of the Funding Fair is to provide an overview of current and upcoming funding opportunities and tips for completing your application, negotiating a grant agreement, and managing grants. Updates will be provided on recent improvements to our grant process. The SWRCB has invited partner agencies to share information about a broad range of funding opportunities available to interested stakeholders.

Small Community Groundwater Grants

SWRCB posted the solicitation notice for projects on July 8. Proposed projects must be submitted using a FFAST questionnaire by August 19, 2005. Individual projects may request between \$100,000 and \$2 million in grant funds. The total available is \$9.5 million.

4. Status of Cleanup and Abatement Order No. R9-2004-0258, TDY Industries, Convair Lagoon, San Diego Bay (John Anderson)

On October 4, 2004 the Executive Officer issued Cleanup and Abatement Order (CAO) No. R9-2004-0258 to TDY Industries (a wholly owned subsidiary of Allegheny Technologies Inc.). The CAO directs TDY Industries to cleanup and abate discharges of polychlorinated biphenyls (PCBs), heavy metals, and volatile organic chemicals, both to land and San Diego Bay, from a site formerly occupied by Teledyne Ryan Aeronautical at 2701 North Harbor Drive in San Diego, California (hereinafter "the Site").

Background

TDY Industries acquired ownership of Teledyne Ryan Aeronautical in a series of mergers, which concluded in 1999. Manufacturing operations ceased in 1999 and the Site was vacated by 2002. PCB pollutants have been found in the Storm Water Conveyance System, which are conveyed and discharged to Convair Lagoon and San Diego Bay during storm events. These discharges are resulting in the accumulation of PCBs on the surface of the Convair Lagoon Sand Cap; an engineered sand cap in San Diego Bay designed to isolate marine sediments containing PCBs waste from past discharges to benthic organisms and San Diego Bay. In addition, threats to the San Diego Bay water quality exist from past discharges of chlorinated solvents (primarily trichloroethylene and tetrachloroethylene) and hexavalent chromium to soil and ground water at the Site.

TDY Petitions of the CAO

In November 2004, TDY Industries petitioned the State Water Resources Control Board to review the CAO. TDY's chief concern raised in the petition was that the Regional Board did not name other parties in the CAO such as the San Diego Unified Port District, the City of San Diego, and the San Diego Airport Authority (Lindbergh Field) as sources of PCB pollutant discharges to San Diego Bay. TDY requested the petition be held in abeyance pending the outcome of on-going discussions with the Regional Board on TDY's concerns with the CAO. Based on these discussions, the Regional Board issued a revised CAO on May 17, 2005, in part, to make it clear that the Regional Board is in the process of investigating other upstream potential responsible parties that might also be

associated with the PCB discharges and will require them to participate in cleanup and abatement efforts if it is appropriate to do so.

TDY petitioned the revised CAO to the State Board in June 2005 and requested that the State Board hold the petition in abeyance at this time pending further discussions with the Regional Board. Of the four issues raised by TDY with respect to the revised CAO, the Regional Board agreed with two of TDY's issues pertaining to factual inaccuracies in one CAO finding and providing additional detail in a second CAO finding. These issues were addressed in the Regional Board's July 22, 2005 Addendum No. 1 to CAO R9-2004-0258, which revised the two findings as requested by TDY.

Site Investigation and Characterization Report

Remedial activities at the Site are currently in the Site Investigation and Characterization phase of cleanup and abatement. Directive 3 of the CAO requires TDY to prepare and submit a Site Investigation and Characterization Report describing sources and locations of pollutant discharges to the storm water conveyance system, as well as, determination of the vertical and horizontal extent of pollutants in soil and ground water. TDY has submitted various versions of workplans to ensure that the Site Investigation and Characterization Report meets the requirements detailed in the CAO. The Regional Board provided comments and requested revisions on the workplan submittals; and TDY has recently been directed to implement the Site Characterization Work Plan Addendum No. 1 to CAO R9-2004-0258 establishes a time schedule for submittal of the Site Investigation and Characterization Report by December 19, 2005.

Meeting with Magistrate Judge Porter

On July 14, 2005, at the invitation of Magistrate Judge Porter, staff were invited to a Settlement Conference between the San Diego Unified Port District (Plaintiff) and TDY (Defendants). In addition to representatives for the Plaintiff and Defendants, representatives for Third Party Defendants - San Diego Airport Authority and General Dynamics Corporation were in attendance. The Regional Board attended the July 14 conference as requested and provided information regarding the CAO to assist the Court in settlement negotiations regarding the remediation of the former TDY facility.

5. City of Dana Point Doheny State Park Beach Study Proposal (Michael McCann)

On July 25, 2005 the State Water Resources Control Board (State Board) informed the City of Dana Point that neither the Cleanup and Abatement Account nor Supplement Environmental Project fund would be approved to fund the proposed water quality investigations at the Doheny State Park Beach. The City's application was for funding of the epidemiological study that the Regional Board considered and supported at the May 10, 2005 Regional Board meeting.

The State Board, in acknowledging the importance of the study, recommended that the City apply for funding from the Proposition 50 Coastal Nonpoint Source Pollution Control Program in the upcoming 2006 Consolidated Grant solicitation process. The

State Board further advised the City to consider applying for Proposition 50 Clean Beaches Initiative Program that will soon be accepting applications.

6. Brownfields Meeting: El Cajon Redevelopment Agency (El Cajon RDA) (*Sue Pease and John Odermatt*)

The Regional Board staff attended a meeting on June 20, 2005 with representatives of U.S. EPA, State Water Resources Control Board, San Diego County Local Oversight Program (San Diego LOP), City of El Cajon, and the El Cajon RDA. The El Cajon RDA was selected to receive a brownfields assessment grant from U.S. EPA. The grant will be used to conduct a community-wide environmental site assessment within the El Cajon Central Business District. The presence of various contaminants in the soil and ground water are predominantly from leaking underground storage tanks (USTs), and have been a barrier to redevelopment. Most of the discussion at the meeting centered on identifying sites with ongoing investigations of pollution in the soil and/or ground water caused by leaking USTs. The Regional Board and San Diego LOP directed the El Cajon RDA to public websites where the number of known leaking UST sites within the redevelopment footprint can be determined. This information will be used to compile a priority list. Once this has been established, a fact sheet will be issued with guidance to potential developers about the site assessment and mitigation status within the redevelopment area.

7. Mission Valley Terminal Cleanup and Abatement Update (*Kelly Dorsey*)

On July 25, 2005, Regional Board staff, Kelly Dorsey, appeared on the KGTV Channel 10 News to discuss the clean up of MTBE at the Kinder Morgan Mission Valley Terminal site. As a result of historical petroleum storage and distribution operations, soils and ground water in the vicinity of the Mission Valley Terminal have been impacted by accidental releases of petroleum liquids. While these leaks and spills originated on the Terminal property, the impacts to soil and ground water extend to off-terminal property. The impacts include MTBE in the ground water beneath Qualcomm stadium and the surrounding parking lots. The City of San Diego has a proposal to use the ground water beneath the southern portion of the Qualcomm Stadium parking lot by the year 2010. The Channel 10 report focused on the impacts of MTBE pollution on the State's ground water resources. A text version of the interview is posted on the KGTV Channel 10 website at <http://www.10news.com/investigations/4768172/detail.html>.

Additionally, the Regional Board received Kinder Morgan's *Work Plan to Assess the Potential Need for Additional Soil Vapor Extraction Well in the Off-Property LNAPL Area* (work plan) for the Mission Valley Terminal on July 12, 2005. The work plan was required by Directive No. 5 of Addendum No. 5 to Cleanup and Abatement Order No. 92-01 and was due to the Regional Board by July 13, 2005.

8. City of San Diego Fashion Valley Road Culverted Crossing Replacement, Request for Time Extensions (*Mike Porter*) (*Attachment B-8*)

On July 20, 2005, the Regional Board received a letter (Attachment B-8a) from the City of San Diego requesting time extensions of the deadlines contained in the section 401 Water Quality Certification and Cleanup and Abatement Order (CAO) R9-2005-0174 for

the Fashion Valley Road Culverted Crossing Replacement. The City of San Diego (City) requested a one-month extension for submission of the Beneficial Uses Study work plan, from August 1, 2005 to September 1, 2005 to allow the City time to hire a consultant and prepare the work plan. The extension was granted in a letter to the City of San Diego dated July 27, 2005 (Attachment B-8b).

The City also requested a three-month extension to the July 22, 2005 deadline contained in the CAO R9-2005-0174 for the cleanup of downgradient debris from the collapsed crossing. The City requested that extension "...to facilitate the smooth flow of cleanup and construction of the replacement crossing." The other reason the City requested an extension was that "...cleaning up debris in advance of the dewatering and replacement construction would undermine the stability of the river banks at the crossing and cause damage to habitat and properties upstream." The Regional Board informed the City on July 27, 2005 that the deadline for the CAO would not be extended because the City had not implemented any actions to cleanup the debris and had provided evidence that downgradient cleanup activities would destabilize the riverbanks.

On July 29, 2005, the Regional Board received a letter from the City containing a work plan for cleanup of downgradient debris (Attachment B-8c). The City's work plan states "...work will be conducted over a 6-10 week period commencing the week of August 1-5, 2005. Downstream debris will be removed within the first 2 weeks of construction."

9. Water Quality Problems at Lake San Marcos (Bob Morris) (Attachment B-9)

As described in the enclosed North County Times newspaper articles dated June 18th and July 29, 2005, residents in the community of Lake San Marcos are concerned about the deteriorating water quality conditions in the lake. These conditions include excessive sedimentation, trash and litter, and elevated levels of bacteria. The residents further noted that nutrients in the water caused extensive algae bloom this past spring, resulting in eutrophic conditions and nuisance odors.

Lake San Marcos is part of a resort and country club complex, owned and operated by the La Jolla Development Corporation. In addition to the lake, the corporation owns the surrounding community/resort facilities including two golf courses, restaurants, hotel, recreation center, etc. Each residence in the community is individually owned, belonging to one of the 22 homeowners associations, which are independent of one another.

On June 30, 2005, the SDRWQCB met with representatives of the community and surveyed the conditions in the lake. In general, the discussion focused on the role and responsibilities of the SDRWQCB and other public agencies in addressing pollutant sources to and the restoration of the lake. Specifically, the SDRWQCB informed the residents about the Board's comprehensive requirements issued to cities and the county for reducing pollutants in urban runoff and to sewage collection agencies for preventing sewage spills. The residents were advised that within the urban runoff requirements established in the municipal stormwater permit, there are provisions for public participation in the development, implementation, and monitoring of programs and

measures to protect surface water in the watershed. The residents were strongly encouraged to learn about the current programs of the cities and county to control pollutants in runoff to the lake and to become involved in their efforts to improve these programs. In addition, the residents were encouraged to participate in the public comment process that will be conducted by the SDRWQCB in the reissuance of the San Diego County Municipal Storm Water Permit. The public comment period will begin in November/December of this year for adoption of the new requirements in February 2006.

10. Proposed Gregory Canyon Landfill (*Carol Tamaki and John Odermatt*)

The Regional Board has a website that includes an electronic copy of the Joint Technical Document (JTD) and updated news regarding the status of the proposed landfill:

http://www.waterboards.ca.gov/sandiego/programs/units/ldu/Canyon%20Project/gregory_canyon_landfill.html

As of July 1, 2005, the electronic mailing list includes 60 individuals and/or organizations for the proposed Gregory Canyon Landfill project. The Regional Board web site now includes an electronic mailing list for proposed Gregory Canyon project at the following URL:

http://www.waterboards.ca.gov/lyrisforms/reg9_subscribe.html

On July 7, 2005, Regional Board staff met with the Pala Band of Mission Indians to discuss their comments and concerns regarding the proposed landfill. The Regional Board staff provided the Pala representatives with information regarding our process for tentative waste discharge requirements and the 401 water quality certification process.

On May 19, 2005, the Regional Board convened a public workshop on the proposed Gregory Canyon Landfill project. Over 150 members of the public attended the workshop. Regional Board staff continues to receive and review comment letters regarding the proposed landfill.

On July 25, 2005, the Regional Board staff received information from the Discharger relating to public participation and environmental justice issues related to the proposed project. The Regional Board staff is currently reviewing the submittal and plans to discuss environmental justice issues with the Regional Board legal counsel in the near future.

11. Rescission of CAO 95-09 and Tank Case Closure (*Jody Ebsen and John Odermatt*)

The Regional Board staff will rescind cleanup and abatement Order (CAO) No. 95-09 (and addenda thereto) and issue a closure letter for a leaking underground storage tank (LUST) case located at the U.S. Marine Corps (USMC) Base at Camp Pendleton in San Diego County. The Regional Board issued Cleanup and Abatement Order No. 95-09 (and addenda thereto) to the USMC for cleanup and abatement of pollution from past discharges of petroleum wastes into soil and groundwater at the Marine Corps Air Station

Fuel Farm. Camp Pendleton is a groundwater dependent community and CAO 95-09 was issued to ensure protection of nearby base water supply wells. Completion of corrective actions and verification monitoring indicate that the USMC has obtained satisfactory compliance with Order 95-09 (and addenda thereto). The pending closure was publicly noticed in the agenda for the August 2005 Regional Board meeting. This action fulfilled the Regional Board's obligation to provide public participation as required by section 2728, Chapter 16, California Code of Regulations. The Regional Board has not received any feedback, during the 30-day public participation period, regarding the proposed action to close the LUST case and/or rescission of Order 95-09 (and addenda thereto).

12. Rescission of CAO 89-51 and Tank Case Closure (*Sue Pease and John Odermatt*)

During August 2005, the Regional Board will issue a closure letter for a leaking underground storage tank (LUST) case located at 235 Market Street, San Diego. The Regional Board staff will issue a no further action letter, and an order (Order No. R9-2005-0131) rescinding Cleanup and Abatement Order (CAO) 89-51. The Dischargers (Golden West Hotel and Unocal Corporation) have completed corrective action to remove free phase petroleum from the groundwater and remove soil wastes containing fuel constituents. The corrective actions satisfy the directives of CAO 89-51. The closure was publicly noticed in the agenda for the August 2005 Regional Board meeting. The inclusion of this public notice as part of the Regional Board agenda fulfilled the agency's obligation for public participation under section 2728, Chapter 16, California Code of Regulations. The Regional Board has not received any feedback, during the 30-day public participation period, regarding the proposed action to close the LUST case and/or rescission of Order 89-51.

13. Rescission of CAO 91-45 for the Downtown "Blob" (*Sue Pease and John Odermatt*)

The Regional Board staff will issue Order No. R9-2005-0135, rescinding Cleanup and Abatement Order (CAO) 91-45 in August 2005. CAO 91-45 was issued to the Redevelopment Agency of San Diego, G.T.F. Properties and Shell Oil Company, Golden West Hotel and Unocal Corporation, and Greyhound Lines Incorporated and Transportation Leasing Company (the Dischargers) for cleanup and abatement of past discharges of petroleum wastes into the soil and groundwater creating a commingled plume of light nonaqueous phase liquid (LNAPL) beneath the Marina District located within the City of San Diego. The Dischargers have complied with the directives in CAO 91-45 including implementation of remedial action plans, site specific corrective action plans, removal of free phase petroleum product from the groundwater, monitoring of the dissolved phase pollution in the groundwater, and verification sampling and monitoring. The pending rescission was publicly noticed in the agenda for the August 2005 Regional Board meeting. The inclusion of this public notice as part of the Regional Board agenda fulfilled the agency's obligation for public participation under section 2728, Chapter 16, California Code of Regulations. The Regional Board has not received any feedback, during the 30-day public participation period, on the proposed action to rescind Order 91-45.

14. Vista Burn Site: Solid Waste Water Quality Assessment Test (SWAT) (*Amy Grove and John Odermatt*)

The County of San Diego operated the facility as a municipal waste burning operation from 1944 to 1967. Between 1946 and 1967, burned wastes were routinely disposed of at the facility and site operations pre-date the current closure requirements, so no formal closure plan was ever provided for the facility. The Vista Little League currently uses the site as a baseball field.

During several site inspections in 2001 and 2002, the Regional Board observed exposed burn ash at the little league park and in the surrounding areas. On June 22, 2002 the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Order No. R9-2002-0166 affirming the directive for solid waste water quality assessment test (SWAT) proposal from the City of Oceanside, City of Vista, and the County of San Diego regarding the discharge of burn-ash wastes located adjacent to Loma Alta Creek, Carlsbad, California. Implementation of the required assessment has been the topic of numerous discussions between legal counsels for the City of Oceanside (property owner), City of Vista, and County of San Diego (former operator) since 2002.

On April 20, 2005 the Regional Board received a SWAT report on behalf of the cities and county named above, in response to the June, 2002 directive. The Regional Board is currently reviewing the report to ensure compliance with the 2002 directive and State regulations for the handling and disposal of hazardous and non-hazardous wastes. The staff will continue to update the Regional Board in future Executive Officer Reports.

15. Status of Administrative Civil Liability (ACL) Complaints (*Mark Alpert, Frank Melbourn, Vicente Rodriguez, Rebecca Stewart, Compliance Assurance Unit*)

The following is the status of the outstanding Administrative Civil Liability (ACL) Complaints. Complete details of the ACL Complaints can be found on the Regional Board web site at <http://www.waterboards.ca.gov/sandiego/>

City of San Diego, Point Loma Treatment Plant, San Diego

ACL Complaint No. R9-2005-0083 for \$42,000 Mandatory Minimum Penalty

The City of San Diego has elected to waive its right to a public hearing in this matter. The hearing has been rescheduled for September 14, 2005, to provide the City's Metropolitan Wastewater Department additional time to complete its' proposal to fund a Supplemental Environmental Project (SEP) with a portion of the \$42,000 liability. The City proposes to pay \$13,500 to the State Water Resources Control Board and \$28,500 to fund a SEP for monitoring waters, sediments and biota in marine coastal waters, bays, lagoons and estuaries in the San Diego region.

The Regional Board will consider accepting the City of San Diego's waiver at its September 14, 2005 meeting. Written comments regarding the allegations contained in Complaint No. R9-2005-0083, and/or acceptance of the waiver will be accepted through Friday, August 31, 2005.

**JRMC Real Estate, Inc., Escondido Research and Technology Center, Escondido
\$1.26 million ACL Complaint No. R9-2005-0059**

The August 10, 2005 hearing has been postponed at the request of JRMC. A Regional Board inspection of the construction site on July 21, 2005 revealed no serious violations. JRMC continues to install erosion control and sedimentation basins needed, as part of the sediment control measures, will be installed by prior to the rainy season.

**City of Escondido, MS4 Permit
\$129,000 ACL Complaint No. R9-2005-0097**

The August 10, 2005 hearing has been postponed at the request of the City of Escondido and JRMC Real Estate, Inc. (JRMC).

**Dakota Ranch Development Co. LLC, Dakota Ranch Subdivision, Santee
\$140,500 ACL Complaint No. R9-2005-0176**

Prior to the August 10, 2005 Regional Board meeting, the Regional Board concurred with Dakota Ranch Development Co., LLC request for a 30-60 day continuance of the ACL hearing, in order to provide Dakota Ranch additional opportunity to implement mitigation as required by the Section 401 Water Quality Certification. Since being granted a continuance of the hearing, Dakota Ranch Development Co., LLC has not notified the Regional Board of any significant progress in achieving compliance. The Regional Board intends to bring the matter before the Board at the Board meeting scheduled for Sept. 14, 2005.

The Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R9-2005-0176 to Dakota Ranch for alleged violation of the Section 401 Water Quality Certification approved January 30, 2003 for the Dakota Ranch Subdivision. The ACL was issued for failure to implement mitigation as required by the Section 401 Water Quality Certification.

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Modification of Aquatic Pesticide Weed Permit (*Peter Michael*)

The State Water Resources Control Board will hold a public workshop and hearing on September 7, 2005 at Cal/EPA in Sacramento to hear testimony about modifying the general aquatic pesticide weed NPDES permit, Water Quality Order 2004-00009-DWQ. The new modification would allow the cord grass (*Spartina*) control herbicide Imazapyr, trade name *Habitat*, to be included in the permit. Adding this pesticide means experimental testing shows it has undergone evaluation, and that compliance with the California Environmental Quality Act requirement for environmental review each time it is applied is not necessary. Because of its short half-life of four days and low toxicity the addition of Imazapyr to the list of authorized aquatic pesticides is not expected to affect water quality in the San Diego Region significantly. For further information about the hearing and for modifications to the pesticide permit, see this website:
<http://www.waterboards.ca.gov/aquatic/index.html>.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**SIGNIFICANT NPDES PERMITS, WDRs,
AND REGIONAL BOARD ACTIONS**

August 10, 2005

APPENDED TO EXECUTIVE OFFICER REPORT

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**SIGNIFICANT NPDES
PERMITS, WDRs, AND RB ACTIONS**

DATE OF REPORT August 10, 2005	Action Type	Initial Document Application Complete	Dish./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
BASIN PLAN AMENDMENT--ADD UNNAMED WATERBODIES AND BENEFICIAL USES	Hearing: Basin Plan Amendment	NA	NA	80%	0%	October 12, 2005	No	Triennial Review Issue No. 3	Party
BASIN PLAN AMENDMENT--AUTHORIZE TIME SCHEDULES IN WDRs FOR NPDES REGULATIONS	Hearing: Basin Plan Amendment	NA	NA	90%	0%	October 12, 2005	No	Triennial Review Issue No. 6	Party
CANTARINI RANCH / HOLLY HILLS SECTION 401 CERTIFICATION CARLSBAD	WDRs New	80%	50%	20%	0%	October 12, 2005	No		Haas
PORT OF SAN DIEGO DREDGING PROJECT BERTHS 10-3 TO 10-6 SAN DIEGO BAY	WDR New	100%	0%	0%	0%	October 12, 2005	Yes		Quach
NOVEMBER 9, 2005 RB MEETING San Diego Regional Board Office									
FALBROOK PUBLIC UTILITY DISTRICT OCEAN OUTFALL DISCHARGE	NPDES Permit Renewal	100%	90%	90%	50%	November 9, 2005	No	NPDES Workplan FY 2004-05	Vasquez
ANZA SANITARY LANDFILL RIVERSIDE COUNTY	WDR Closure Requirements	100%	90%	70%	0%	November 9, 2005	No		Grove
DRISCOLL CUSTOM BOATS SAN DIEGO BAY	NPDES Renewal	100%	90%	0%	0%	November 9, 2005	No	NPDES Workplan FY 2005-06	Felix
DRISCOLL WEST BOATYARD SAN DIEGO BAY	NPDES Renewal	100%	90%	0%	0%	November 9, 2005	No	NPDES Workplan FY 2005-06	Felix
KOEHLER KRAFT BOATYARD SAN DIEGO BAY	NPDES Renewal	100%	90%	0%	0%	November 9, 2005	No	NPDES Workplan FY 2005-06	Felix
NIELSEN-BEAUMONT BOATYARD SAN DIEGO BAY	NPDES Renewal	100%	90%	0%	0%	November 9, 2005	No	NPDES Workplan FY 2005-06	Felix
SHELTER ISLAND BOATYARD SAN DIEGO BAY	NPDES Renewal	100%	90%	0%	0%	November 9, 2005	No	NPDES Workplan FY 2005-06	Felix
FALLBROOK PUBLIC UTILITY DISTRICT FALLBROOK RECLAMATION PROJECT	WDRs Update Mast. Reclamation	NA	100%	80%	0%	November 9, 2005	Yes	Master Reclamation Req'ts	Vasquez
OAK TREE RANCH MOBILE HOME PARK FACILITY EXPANSION SAN DIEGO COUNTY	WDR Revision	0%	0%	0%	0%	November 9, 2005	Yes		Quach
DECEMBER 14, 2005 RB MEETING San Diego Regional Board Office									
GROUNDWATER EXTRACTION GENERAL PERMIT FOR SAN DIEGO BAY	NPDES Permit Renewal	NA	50%	0%	0%	December 14, 2005		NPDES Workplan FY 2004-05	
REGIONWIDE BACTERIA TOTAL MAXIMUM DAILY LOAD	Adoption TMDL	NA	NA	50%	0%	December 14, 2005		TMDL Workplan FY 2005-06	Arias
SOUTH BAY BOAT YARD SAN DIEGO BAY	NPDES Renewal	100%	90%	0%	0%	December 14, 2005		NPDES Workplan FY 2005-06	Felix

DATE OF REPORT August 10, 2005		NAME OF PERMIT/WDR/RB ACTION		Action Type	Initial Document Application Complete	Dish/RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
			KNIGHT & CARVER BOATYARD SAN DIEGO BAY	NPDES Renewal	100%	90%	0%	0%	December 14, 2005		NPDES Workplan FY 2005-06	Felix
			FEBRUARY 8, 2006 RB MEETING San Diego Regional Board Office									
			SAN DIEGO COUNTY MUNICIPAL STORMWATER PERMIT	NPDES Permit Reissuance	0%	90%			February 8, 2006		NPDES Workplan FY 2005-06	Hammer
			OCEANSIDE MARINE CTR. OCEANSIDE HARBOR	NPDES Renewal	100%	90%	0%	0%	February 8, 2006		NPDES Workplan FY 2005-06	Felix
			DRISCOLL MISSION BAY BOATYARD	NPDES Renewal	100%	90%	0%	0%	February 8, 2006		NPDES Workplan FY 2005-06	Felix
			DANA POINT BOATYARD DANA POINT HARBOR	NPDES Renewal	100%	90%	0%	0%	February 8, 2006		NPDES Workplan FY 2005-06	Felix
			JACK AND MARK STIEFEL DAIRY RIVERSIDE COUNTY	NPDES Permit Renewal	80%	90%	90%	0%	February 8, 2005		NPDES Workplan FY 2004-05	
			POSEIDON RESOURCES DESALINATION PROJECT CARLSBAD	New NPDES Permit	0%	80%	0%	0%	February 8, 2006		NPDES Workplan FY 2005-06	
			FRANK J. KONYN DAIRY SAN PASQUAL VALLEY	NPDES Renewal	0%	90%	0%	0%	February 8, 2006		NPDES Workplan FY 2005-06	Ghoram
			MARCH 8, 2006 RB MEETING San Diego Regional Board Office									
			SOUTH ORANGE COUNTY WASTEWATER AUTHORITY--ALISO CREEK OCEAN OUTFALL	NPDES Permit Reissuance	0%	90%			March 8, 2006		NPDES Workplan FY 2005-06	Kelley
			SOUTH ORANGE COUNTY WASTEWATER AUTHORITY--SAN JUAN CREEK OCEAN OUTFALL	NPDES Permit Reissuance	0%	90%			March 8, 2006		NPDES Workplan FY 2005-06	Kelly
			KAMPEN BROS. (fmr.DeJAGER/BOERSMA) DAIRY RIVERSIDE COUNTY	NPDES Renewal	0%	90%	0%	0%	March 8, 2006	No	NPDES Workplan FY 2005-06	Ghoram
			APRIL 12, 2006 RB MEETING San Diego Regional Board Office									
			T.D. DAIRY (VAN TOL DAIRY) RAMONA	NPDES Permit Reissuance	0%	90%	0%	0%	April 12, 2006		NPDES Workplan FY 2005-06	
			PENDING / UNSCHEDULED ACTIONS									
			PROPOSED GREGORY CANYON LANDFILL NORTH SAN DIEGO COUNTY	New WDRs	100%	20%	20%	10%			Public Workshop scheduled for May 19, 2005	Tanaki

THE ROLE OF THE OMBUDSMAN STATE WATER RESOURCES CONTROL BOARD AND REGIONAL WATER QUALITY CONTROL BOARDS

The following defines the role of the ombudsman at the State and Regional Water Boards in the form of a discussion of the organizational relationship, the characteristics and the associated reactive and proactive activities of the ombudsman.

RELATIONSHIP OF THE OMBUDSMAN IN THE ORGANIZATION

The ombudsman has no independent authority or power. He or she does not stand alone in a box apart from the rest of the organization. For example, at the Regional Boards the ombudsman is usually the Assistant Executive Officer (AEO) who reports to the Executive Officer and in turn must serve and answer to the Board. The AEO, usually the highest level of management who does not serve at the pleasure of the Board, is probably uniquely placed to serve in the ombudsman capacity. Depending on region-specific factors (size, experienced staff, etc.), staff other than the Assistant Executive Officer may be designated as the ombudsman at the Regional Boards.

State and Regional Board ombudsmen have other duties and demands of their positions require some ranking of priorities. As a mere provider of information, the ombudsman generally should be the last resort, since other more direct and simpler means, such as telephone directories, lists of staff expertise, and organization charts are available to facilitate the flow of information from all sources of the organization. However, as one who may resolve disputes or help redress a grievance, the ombudsman should perhaps be the first recourse, since the sooner a serious complaint is addressed and handled, the more likely the public will be served and satisfied.

CHARACTERISTICS OF THE OMBUDSMAN

The ombudsman should:

- either know the answer or know where to find the answer.
- have a sense of Board politics and personalities, a knowledge of overall processes, an understanding of staff priorities and direction.
- must be discreet yet forthright when dealing with and responding to complaints which may involve various colleagues, subordinates and superiors.
- possess a degree of independence which allows and encourages relatively unfettered action.

THE REACTIVE ROLE

The ombudsman is usually reactive, and as such is a facilitator and an investigator, perhaps a mediator. The ombudsman must respond to complaints made and questions asked. The ombudsman must determine facts in order to answer the aggrieved or enquiring person. If someone complains and feels wronged, the ombudsman should ascertain what it is the person wants done, and determine what redress is either appropriate or even capable of being done.

Various types of requests will be made to the ombudsman. Some persons will merely ask for information; others will complain about programs or requirements; others will complain about staff or actions by staff; some will complain about Board Members. Some persons may wish to speak with the ombudsman in confidence, perhaps to seek insight on proper dealings or relations with either staff or the Board.

THE PROACTIVE ROLE

The ombudsman is not an advocate and does not argue for or against a particular point of view; but may present a view which may not have been clearly heard or understood. However, the ombudsman serves as an advocate within the organization to prompt staff to be responsive to the public and its concerns. When addressing public concerns, the ombudsman should explain processes and requirements so that "customers" become more knowledgeable about how to comply. In turn, compliance is furthered and complaints are reduced.

The day-to-day activities of the ombudsmen place them in a good position to identify and implement measures which could assist in communicating more clearly with stakeholders, achieving compliance and preventing complaints.

SANITARY SEWER OVERFLOW STATISTICS (Updated through July 31, 2005)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B		NO. OF SEWAGE SPILLS (LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30)					SPILLS PER 100 MILES (LISTED BY FY)					SPILL VOLUME 2005-06 ^A	
	Miles	MGD	01-02	02-03	03-04	04-05	05-06 ^A	01-02	02-03	03-04	04-05	05-06 ^A	GAL	GAL/MG ^D
ORANGE COUNTY:														
EL TORO WD	55	2.2	3	1	3	3	0	5.5	1.8	5.5	5.5	0.0	0	0.0
EMERALD BAY SERVICE DISTRICT	6	0.09	0	0	0	1	0	0.0	0.0	0.0	16.7	0.0	0	0.0
IRVINE RANCH WD	36	2.0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0.0
LAGUNA BEACH, CITY OF	95	2.4	10	27	8	12	1	10.5	28.4	8.4	12.6	1.1	250	0.3
MOULTON NIGUEL WD	530	13.0	2	1	2	5	0	0.4	0.2	0.4	0.9	0.0	0	0.0
SAN CLEMENTE, CITY OF	179	4.5	6	7	2	5	0	3.3	3.9	1.1	2.8	0.0	0	0.0
SAN JUAN CAPISTRANO, CITY OF	100	3.4	0	0	1	2	0	0.0	0.0	1.0	2.0	0.0	0	0.0
SANTA MARGARITA WD	546	10.7	12	4	5	6	0	2.2	0.7	0.9	1.1	0.0	0	0.0
SOUTH COAST CWD	132	4.0	5	8	7	4	1	3.8	6.1	5.3	3.0	0.8	120	0.1
TRABUCO CANYON WD	43	0.72	0	0	1	3	0	0.0	0.0	2.3	7.0	0.0	0	0.0
RIVERSIDE COUNTY:														
EASTERN MWD	421	9.5	1	3	7	0	0	0.2	0.7	1.7	0.0	0.0	0	0.0
ELSINORE VALLEY MWD	80	2.0	0	0	1	3	0	0.0	0.0	1.3	3.8	0.0	0	0.0
MURRIETA MWD	25	0.5	E	E	1	0	0	E	E	4.0	0.0	0.0	0	0.0
RANCHO CA WD	71	2.9	2	0	1	2	0	2.8	0.0	1.4	2.8	0.0	0	0.0
SAN DIEGO COUNTY:														
BUENA SANITARY DISTRICT	84	1.9	0	2	1	2	0	0.0	2.4	1.2	2.4	0.0	0	0.0
CARLSBAD MWD	214	7.2	15	6	6	10	0	7.0	2.8	2.8	4.7	0.0	0	0.0
CHULA VISTA, CITY OF	400	16.0	6	3	1	5	1	1.5	0.8	0.3	1.3	0.3	200	0.0
CORONADO, CITY OF	53	3.8	5	2	5	0	0	9.4	3.8	9.4	0.0	0.0	0	0.0
DEL MAR, CITY OF	30	1.1	2	7	1	0	2	6.7	23.4	3.3	0.0	6.7	5,850	14.2
EL CAJON, CITY OF	198	9.1	2	3	0	3	0	1.0	1.5	0.0	1.5	0.0	0	0.0
ENCINITAS, CITY OF	118	4.1	2	6	1	5	0	1.7	5.1	0.8	4.2	0.0	0	0.0
ESCONDIDO, CITY OF	350	10.8	14	3	2	4	2	4.0	0.9	0.6	1.1	0.6	268	0.1
FAIRBANKS RANCH COMM SERV DIST	15	0.21	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0.0
FALLBROOK PUBLIC UTILITY DIST ^C	72	2.0	17	22	9	10	0	23.6	30.6	12.5	13.9	0.0	0	0.0
IMPERIAL BEACH, CITY OF	84	2.2	1	14	2	8	2	1.2	16.7	2.4	9.5	2.4	425	0.5
LA MESA, CITY OF	155	5.8	12	3	4	3	0	7.7	1.9	2.6	1.9	0.0	0	0.0
LEMON GROVE, CITY OF	69	2.4	9	4	4	3	0	13.0	5.8	5.8	4.3	0.0	0	0.0

SANITARY SEWER OVERFLOW STATISTICS (Updated through July 31, 2005)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B		NO. OF SEWAGE SPILLS [LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30]					SPILLS PER 100 MILES (LISTED BY FY)					SPILL VOLUME 2005-06 ^A	
	Miles	MGD	01-02	02-03	03-04	04-05	05-06 ^A	01-02	02-03	03-04	04-05	05-06 ^A	GAL	GAL/MG ^D
SAN DIEGO COUNTY (continued):														
LEUCADIA CWD	185	4.2	5	6	1	5	0	2.7	3.2	0.5	2.7	0.0	0	0.0
NATIONAL CITY, CITY OF	97	5.1	0	1	2	1	0	0.0	1.0	2.1	1.0	0.0	0	0.0
OCEANSIDE, CITY OF, WTR UTIL DEP	446	13.0	17	23	22	14	0	3.8	5.2	4.9	3.1	0.0	0	0.0
OLIVENHAIN MWD	16	0.39	1	2	0	3	0	6.3	12.5	0.0	18.8	0.0	0	0.0
OTAY MWD	86	1.4	0	3	1	0	0	0.0	3.5	1.2	0.0	0.0	0	0.0
PADRE DAM MWD	150	5.1	4	3	3	1	0	2.7	2.0	2.0	0.7	0.0	0	0.0
PAUMA VALLEY COMM SERVICE DIS	8	0.07	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0.0
POWAY, CITY OF	170	4.0	1	5	3	0	0	0.6	2.9	1.8	0.0	0.0	0	0.0
RAINBOW MWD	54	0.74	2	2	6	2	0	3.7	3.7	11.1	3.7	0.0	0	0.0
RAMONA MWD	83	1.3	5	2	2	3	0	6.0	2.4	2.4	3.6	0.0	0	0.0
RANCHO SANTA FE COMM SERV DIST	52	0.44	1	1	0	2	0	1.9	1.9	0.0	3.9	0.0	0	0.0
SAN DIEGO CO, PUBLIC WORKS	380	11.0	4	11	2	2	0	1.1	2.9	0.5	0.5	0.0	0	0.0
SAN DIEGO, CITY OF, MWWD	2,894	170	226	193	115	96	11	7.8	6.7	4.0	3.3	0.4	10,877	0.2
SOLANA BEACH, CITY OF	52	1.2	2	1	6	0	0	3.8	1.9	11.5	0.0	0.0	0	0.0
USMC BASE, CAMP PENDLETON	194	3.1	18	23	14	10	1	9.3	11.9	7.2	5.2	0.5	2,400	2.2
US NAVY	123	4.0	24	12	11	13	1	19.5	9.8	9.0	10.6	0.8	50	0.0
VALLECITOS WD	202	6.1	4	5	4	5	0	2.0	2.5	2.0	2.5	0.0	0	0.0
VALLEY CENTER MWD	48	0.32	0	3	1	1	0	0.0	6.3	2.1	2.1	0.0	0	0.0
VISTA, CITY OF	198	6.5	4	4	7	9	0	2.0	2.0	3.5	4.6	0.0	0	0.0
WHISPERING PALMS COMM SERV DIS	17	0.26	1	1	0	0	0	5.8	5.8	0.0	0.0	0.0	0	0.0
REGION 9 TOTAL	9615	363	445	427	275	266	22						20,440	
AVERAGE ¹								4.6	4.4	2.9	2.8	0.2		0
STANDARD DEVIATION ²								5.0	7.0	3.4	4.4	1.0		2
MEDIAN ³								2.4	2.4	2.0	2.5	0.0		0

^A Includes available preliminary data for July 1, 2005 through July 31, 2005, and may not include all spills less than 1,000 gallons that did not enter surface waters or storm drains during As of June 2003.

^B Does not include 11 SSOs in 2000-2001 which occurred from private property but are the responsibility of the Fallbrook PUD according to its own existing policies at the time.

^C Volume of spills for the period in gallons divided by the amount conveyed for the period in million gallons

^D Included with Eastern Municipal Water District

^E The average is the sum of all values divided by the number of values.

¹ In a normally distributed set of values, 68% of the values are within one standard deviation either above or below the average value.

² The median is the middle value in a set; half the values are above the median, and half are below the median.

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION	CERTIFICATION ACTION ²
7/6/2005	City of Vista	Raceway Pump Station	Demolition and replacement of an existing sewer pump station facility.	Unnamed Tributary to Agua Hedionda Creek	Streambed (P): 0.001	Revegetate impacted areas.	Low Impact
7/7/2005	Beazer Homes	Crossings at Whispering Heights, Tentative Tract 30996	Construction of 74 single family homes and associated infrastructure.	Tributary to Warm Springs Creek	Streambed (P): 0.02	Restoration of 0.04 acre of streambed.	Conditional
7/11/2005	County of San Diego, Department of Public Works	Harbison Canyon Road Emergency Culvert Replacement Project	Emergency flood control project to replace existing 24-inch pipe under Harbison Canyon Road with a precast double 4x2 foot reinforced concrete box.	Unnamed Tributary to Harbison Canyon Creek	Streambed (P): 0.01	Purchase of credits at Rancho Jamul at a ratio of 3:1.	Conditional
7/14/2005	Metropolitan Water District of Southern California	Service Connection SD-2 Culvert Installation Project	Installation of two 48-foot. long, 18-inch diameter culvert pipes within Rainbow Creek.	Rainbow Creek	Streambed (P): <0.01; (T): <0.01	Purchase of credits from the Mission Resource Conservation District In-lieu fee program.	Conditional
7/20/2005	Black Mountain LLC	Black Mountain Ranch	Implement restoration activities in accordance with CAO r9-2005-0103; remove discharged sediment.	Unnamed Tributary to Lusardi Creek	Streambed (T): 0.25	Restoration of impacted area.	Low Impact
7/20/2005	Caltrans, District 11	State Route 125	Relocation of water lines 06 and 07 for construction of State Route 125	Tributary to Otay River	Streambed (T): 0.08	Restoration of impacted area.	Low Impact

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION	CERTIFICATION ACTION ²
7/22/2005	North County Transit District	NCTD Bridge 230.6 Replacement Project	Construction of a new concrete railroad bridge adjacent to the existing timber bridge, realignment of approx. 3,565 feet of mainline track and removal of the existing bridge.	Agua Hedionda Lagoon	Streambed (P): 0.003; (T) 0.014	Restoration of temporarily impacted areas.	Conditional
7/22/2005	Stewardship Foundation	Meadowbrook Village Development Project	Construction of a senior living facility with associated utilities, infrastructures, and roadway improvements; the development of an 18-lot residential subdivision; and the development of a four lot parcel map.	Reidy Creek	Freshwater Marsh (P): 0.33 Southern Willow Scrub (P): 0.06	Onsite creation at 1:1 for both plant communities and an additional 1:1 restoration of marsh and 2:1 restoration of southern willow scrub.	Conditional
7/27/2005	San Diego Unified Port District	Kellog Beach San Replenishment Project	Minor grading and filling of eroded beach areas with approx. 2,200 cubic yards of coarse-grained sand.	Pacific Ocean	Beach (P): 0.66	None	Conditional
7/28/2005	Bill and Heidi Dickerson	Riprap Replacement 501 First St Coronado	Removal of existing shore protection and installation of rip rap in accordance with Port of San Diego specifications; between approx. +1 and +4 MLLW along 80 ft. of shoreline.	San Diego Bay	Ocean (P): 0.01	None	Low Impact
7/29/2005	County of San Diego, Department of Public Works	Hillsdale Road Drainage Improvements	Replace existing corrugated metal pipe under Hillsdale Road with a double box culvert and construct wing walls.	Unnamed drainage channel in Middle Sweetwater H.S.A.	Streambed (P): 0.02; Wetland (P): 0.04	Purchase of 1:1 creation credits at Rancho Jamul Mitigation Bank and debit of 2:1 enhancement credits at Sweetwater Mitigation Bank	Conditional

1. Wetland refers to vegetated waters of the U.S. and streambed refers to unvegetated waters of the U.S. (P) = permanent impacts. (T) = temporary impacts.
2. Low impact certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the projects will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines. Withdrawn refers to projects that the applicant or Regional Board have withdrawn due to procedural problems that have not been corrected within one year.



ATTACHMENT B-8a

THE CITY OF SAN DIEGO

July 18, 2005

Mr. John H. Robertus, Executive Officer
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Dear Mr. Robertus:

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

2005 JUL 20 P 12:18

SUBJECT: Fashion Valley Road River Crossing Repair Water Quality Certification and WPS:18-2005030.02:portm/Cleanup and Abatement Order No. R9-2005-0174

I want to take this opportunity to thank you for issuing the 401 Water Quality Certification and Waiver of Waste Discharge Requirements for the Fashion Valley Road River Crossing Repair Project. Because we have a pressing need to repair this important crossing and because we believe that there is a need for a hydrology study of the lower San Diego River to implement City of San Diego planning efforts currently being undertaken in the area, we are willing to accept the conditions relating to the hydrology study of the river, a beneficial uses study related to the replacement project, general conditions and other conditions related to construction dewatering, impacted vegetation and reporting.

We do have some concerns regarding the ability to meet specified deadlines in both the 401 Certification and the Cleanup and Abatement Order (CAO). In regards to the 401 Certification deadlines, we believe that we will be able to submit a scope of work for the hydrology study to the Regional Board for Review as requested by September 1, 2005 and that we should also be able to provide the interim updates annually, as requested. We will be working with our City Council and other stakeholders, such as the San Diego River Conservancy, to try and obtain funding as soon as possible. However, we are requesting an extension of the deadline for the beneficial uses study work plan to September 1, instead of August 1, 2005, to allow us time to establish a contract with a consultant who would provide us with the proposed scope of work.

Once we secure all of the required permits needed for the proposed cleanup and repair project, we will direct Orion Construction, the contractor selected by the City, to perform the cleaning and repair work. It is anticipated that the construction work, from start to finish, will take approximately 40 working days. We believe that cleaning up the debris in advance of the dewatering and replacement construction would undermine the stability of the river banks at the crossing and cause damage to habitat and properties upstream. To prevent this, we are requesting a three month extension of the July 22, 2005 deadline contained in the CAO to facilitate the smooth flow of the cleanup and subsequent construction of the replacement crossing.

Engineering and Capital Projects

202 C Street, MS 9B • San Diego, CA 92101-3869

Tel (619) 236-6274 Fax (619) 533-4736



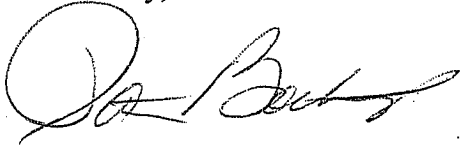
Contract Services Field Engineering Public Buildings and Parks
Transportation and Drainage Design Water and Wastewater Facilities

Page 2
Mr. John H. Robertus
July 18, 2005

We have asked Orion Construction to provide us with a detailed description of activities, methodologies and additional proposed Best Management Practices (BMPs) to protect water quality during and after the cleanup process, and we believe that we can have that information to you by the end of July.

We greatly appreciate your careful consideration in this matter. If you need any further information, your staff may call either Jamal Batta at (619) 533-3769 or Kerry Santoro at (619) 533-3749.

Sincerely,

A handwritten signature in black ink, appearing to read "Patti Boekamp", written in a cursive style.

Patti Boekamp
Director
Engineering and Capital Projects

cc: Office of the Mayor , MS 11
Councilmember Donna Frye, MS 10
Lamont Ewell, City Manager, MS 9
Terry Dean, Army Corps of Engineers



California Regional Water Quality Control Board

San Diego Region



Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger
Governor

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ATTACHMENT B-86

July 27, 2005

Ms. Patti Boekamp
Engineering and Capital Projects
City of San Diego
202 C Street, MS 9B
San Diego, CA 92101-3869

In reply refer to:
WPS:18-2005030.02:portm

SUBJECT: FASHION VALLEY ROAD RIVER CROSSING CLEANUP AND ABATEMENT
ORDER NO. R9-2005-0174

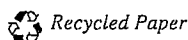
Dear Ms. Boekamp:

We have received the City of San Diego's (City) July 18, 2005, request for a three month time extension of the July 22, 2005 deadline contained in Cleanup and Abatement Order (CAO) No. R9-2005-0174 and section 401 Water Quality Certification (WQC) No. 05C-030. The City has requested that the deadline for the submittal of a work plan to assess beneficial uses be extended from August 1, 2005 to September 1, 2005. This would allow the City time to hire a consultant to prepare the scope of work. We do not object to this time extension and the section 401 WQC will be amended to reflect the new deadline.

The City has also requested a three month extension to the July 22, 2005 deadline contained in the CAO "to facilitate the smooth flow of cleanup and construction of the replacement crossing." Since the road crossing failed in late-December 2004, road debris and traffic safety barricades have washed downstream of the crossing intermittently since the failure. Unfortunately, the City has not implemented actions to cleanup or remove accessible debris and has not implemented actions to prevent the further discharge of debris into the San Diego River. In your July 18, 2005 letter, you report that "...cleaning up debris in advance of the dewatering and replacement construction would undermine the stability of the river banks at the crossing and cause damage to habitat and properties upstream." The majority of debris has washed downstream of the crossing and is not stabilizing the river banks. The City has not presented evidence that removal of debris downstream of the failed road crossing would undermine bank stability or adversely affect the construction of the new road crossing.

The City also states that work will begin once the City has secured all necessary permits for the cleanup action; however, the City does not provide information on the permits that are necessary and what actions the City has taken to date to secure the necessary permits. In our previous discussions with Mr. Terry Dean of the U.S. Army Corps of Engineers (ACOE), he indicated that permits from the ACOE would most likely not be necessary for the cleanup action.


California Environmental Protection Agency



In view of the continuing impact to water quality from the debris, the absence of information to support the statement that removal of the debris would destabilize the banks, and the lack of information on actions the City has taken to date to comply with the CAO, I do not see how a time extension to the CAO deadline is warranted. The Regional Board views the City's failure to comply with the CAO and the overall lack of responsiveness to the discharge of waste as a serious violation. Please be aware that failure to comply with the July 22, 2005 deadline is a violation of the CAO and may result in more formal enforcement action, including the issuance of civil liabilities in accordance with California Water Code section 13350.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter. If you have questions regarding this letter, please contact Mr. Michael Porter at 858-467-2726 or Ms. Stacey Baczkowski at 858-637-5594.

Respectfully,



John H. Robertus
Executive Officer



THE CITY OF SAN DIEGO

ATTACHMENT B-8c

July 29, 2005

Mr. John H. Robertus, Executive Officer
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

SUBJECT: Fashion Valley Road River Crossing Repair Water Quality Certification and
WPS:18-2005030.02:portm/Cleanup and Abatement Order No. R9-2005-0174

Dear Mr. Robertus:

Please find enclosed the Water Quality Work Plan prepared by GeoSyntec Consultants for Orion Construction Corporation, our contractor for the Fashion Valley Road project. Even though the Cleanup and Abatement Order asked for this information as part of the report to be submitted after completion of the cleanup, we wanted to provide you with this work program prior to commencement of work and in our letter of July 18th, we committed to submitting this information to you by the end of this month.

We have now received the exemption letters from the California Department of Fish and Game and the Army Corps of Engineers. It does not appear that the Regional Board was cc'd on the letter from the Department of Fish and Game, so we have also enclosed a copy of that letter which was faxed to us this morning.

GeoSyntec is in the process of contracting with a biological monitor for the project as required by the Army Corps of Engineers, and we expect to have a pre-construction meeting with the consultants and contractor on Tuesday to go over all of the permit requirements. We are asking the contractor if he can start having crews perform the manual debris removal downstream as early as Monday, since that work will not require monitoring.

If you have any questions on this work plan or need any further information, your staff may call me at (619) 533-3749.

Sincerely,

Kerry Santoro, Senior Environmental Planner
Engineering and Capital Projects

Cc: Patti Boekamp, Director



Enclosures

Transportation Engineering Division

Engineering and Capital Projects • 1010 Second Avenue, Suite 1200 • San Diego, CA 92101-4905
Tel (619) 533-3173

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SAN DIEGO REGIONAL
WATER QUALITY
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Monday, August 1, 2005 Contact U:



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Monday, August 1, 2005

Last modified Saturday, June 18, 2005 11:06 PM PDT

Concerns raised about water quality of Lake San Marcos

By: DAVID STERRETT - Staff Writer

LAKE SAN MARCOS ---- While the greenish-brown water of Lake San Marcos is calm and quiet, there is a rising tide of concern from residents about the safety of the water. Residents living along the banks of the man-made lake that defines this unincorporated retirement community say the water is more polluted and contaminated than ever after thousands of gallons of waste and runoff poured into the 80-acre lake during heavy winter storms this year.

"The lake has gotten much worse," said Fran Geneau, who is part of a group of residents looking into the quality of the water. "The people who are responsible should all pitch in for remediation so it becomes a healthy environment for people to live on and for animals to depend on for habitat."

While there are no tests showing the level of pollution in the water ---- people have long been advised not to swim in it ---- officials from Lake San Marcos, the city of San Marcos and water agencies agree the lake's water condition is a problem and continues to worsen.

Nobody, however, can agree on who is responsible for the deterioration, how the problem should be solved and who should pay for the clean up.

Lake San Marcos residents blame the problems on the Vallecitos Water District's sewer spills this past winter and on polluted water runoff from San Marcos, Escondido and unincorporated areas.

The water district and cities say they are partly responsible for the contamination of the lake because runoff from these areas flows into the lake from San Marcos Creek.

But these officials say past and present owners of the lake have never really cleaned it, and the lake's dam bottles up the pollutants and chemicals in the water.

"The poor planning in building the lake is where the problem began and it has been exacerbated by poor planning upstream and poor implementation of development," said John Robertus, executive officer of the San Diego Regional Water Quality Control Board. "Whether residents bought a home around there 20 years ago or last week, they bought into a water quality problem."

Bob Campbell, a Vista city councilman and owner of two properties in Lake San Marcos, said the water is in the worst condition he has seen it in more than 30 years.

He said someone needs to step up and take a leadership role in cleaning up the lake.

"To preserve the lake, there needs to be some way to clean it up and control what comes in it," Campbell said. "But nobody has put their hand up and said they will take the lead ... and who is going to pay for it?"

Concerns from residents

Last Monday, Geneau and a couple of other Lake San Marcos residents went out on the lake in a boat to collect water samples, as they suspect it has high levels of bacteria as well as an increasing amount of algae.

The residents, who have formed a group called the Lake San Marcos Task Force, say the water is more polluted this year because of three sewer spills this winter that dumped about 176,000 gallons of wastewater into the lake.

"The sewage spills had a horrible effect on the lake," Geneau said. "I think the lake has been a victim of bad sewer practices by the Vallecitos Water District."

Bill Rucker, the general manager of the district, said no spill was acceptable, but he said the spills had little long-term environmental impact on the lake because such bacteria usually dies and is diluted in the water.

"Those sewage spills had a negligible, if identifiable, impact to the lake," Rucker said. "People want a simple quick fix, but it's not simple."

Brian Kelley, of the San Diego County Regional Water Quality Control board, said that such spills occurred across the county last winter because of the heavy rains and that they usually didn't have a large impact on water quality.

Erik Richard, the president of Citizens Development Corp., which owns the lake, echoed those sentiments.

"The spills are probably a minor part of the overall issue," Richard said. "But the spills brought the quality of the water to the forefront of people's minds."

Upstream problems

Richard cited runoff from San Marcos Creek as a major source of lake pollution.

Almost all of the runoff in San Marcos as well as water from Escondido and surrounding county areas finds its way into San Marcos Creek and then into Lake San Marcos.

Pesticides, fertilizers and debris pass through the creek and into the lake.

Richard compared the situation with having a neighbor dump a pile of dirt in your driveway and not do anything to help pick it up.

"I would love to have a bright, beautiful lake, but it's obviously factors upstream that are really preventing that from happening," Richard said.

Clay Clifton, a recreational water program coordinator for the county Department of Environmental Health, said water tests taken by the Vallecitos Water District after a recent sewage spill showed a significant amount of bacteria contamination in San Marcos Creek.

San Marcos City Manager Rick Gittings said there was no question the city contributes to the water quality problems of Lake San Marcos, but "maybe they ought to also point a finger at themselves for not doing any

maintenance."

Lakeside problems

Gittings and water officials said the pollution problems are compounded because the pollutants accumulate and settle in the artificial lake.

"The dam causes more problems because the pollutants build up rather than flush out as they normally would," said Kelley, a senior water resource control engineer with the water board.

The dam creates a body similar to a fish tank, said Rucker, with the Vallecitos Water District. He noted that a couple of times a year, he takes his fish out their tank and cleans the waste build-up at the bottom.

But he said this has never been done with the lake.

Richard, president of Citizens Development Corp., said the lake has never been dredged or drained, but crews do remove debris.

He also said the dam, which blocks the southern end of the lake, was built in the 1940s by the Army Corps of Engineers, not the owners of Lake San Marcos.

"When people point to the dam, it is another case of someone pointing the finger rather than thinking of a solution," Richard said.

Working together

Richard said solutions to the problem will rely on bringing all of the parties involved together to look at the best way to clean the lake. The various officials speculated that solutions could include better filtering of the water before it gets into the lake, and some way to clean out the pollutants already in the lake.

Gittings said the city of San Marcos hopes to improve the quality of the water flowing into the lake from San Marcos Creek as it begins to look into a large creek development project.

The rough concepts of the plan call for creating a natural channel for the creek and setting up some type of filter system to prevent debris from entering the lake.

"We do want to improve the long-term quality of the lake," Gittings said. "But the problem certainly begs a solution from everybody, including the owners of the lake."

Contact staff writer David Sterrett at (760) 761-4411 or dsterrett@nctimes.com.



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[Print Page](#)**Monday, August 1, 2005**

Last modified Friday, July 29, 2005 11:07 PM PDT

Resort owners planning to clean Lake San Marcos

By: DAVID STERRETT - Staff Writer

LAKE SAN MARCOS ---- While little has been done to stop pollutants from flowing into and settling in Lake San Marcos during the last 40 years, owners of the lake said this week they were planning to take the first major step in cleaning up the man-made body of water.

Citizens Development Corp., which owns the resort in this unincorporated area southwest of San Marcos, plans to send a letter next week to San Marcos, the Vallecitos Water District, Escondido and the county of San Diego, requesting a meeting to discuss how to solve the pollution problem, said the company president, Erik Richard.

Runoff from each of the public entities flows into Lake San Marcos via San Marcos Creek, and residents of the retirement community have said that the 80-acre lake is more polluted now than ever before after heavy rains and several sewage spills this winter.

San Marcos and Vallecitos officials have previously said that a large part of the problem was that the dam bottles up the pollutants and the owners haven't cleaned the lake.

But officials from all of the public agencies said this week that they supported the idea of meeting in the next month to discuss what could be done to clean the lake.

"This meeting is a key benchmark in the process of cleaning up the lake," said Richard. "This is the first step to a solution."

If the agencies can't reach a solution, the San Diego Regional Water Quality Control Board will probably step in and require the parties to take action, said John Robertus, the executive officer.

Robertus said the water quality in the lake is "severely degraded," and that the agencies need to figure out how to stop pollutants such as fertilizers from running down storm drains, into the creek and down to the lake.

The dam prevents the contaminants from leaving the lake, and he said there were several ways to clean the lake, such as adding more oxygen to the water and dredging trash and sediment.

But before such options are explored, the owners of the lake said they want to see the funding sources and commitment level from each of the agencies.

"I'm very encouraged they are meeting," Robertus said. "Everyone in the watershed upstream of Lake San Marcos, including the owners of lake, are responsible for the pollutants in the lake."

Robertus said he recently visited the lake and was encouraged by the efforts of a group of residents who have helped bring attention to the water-quality problems.

A group of about 10 residents has taken water samples and a scientist at the Scripps Institution of Oceanography confirmed that there were a couple of different strains of blue-green algae in the water, Lake San Marcos resident Fran Geneau said Friday. The algae has the potential to disrupt the lake habitat.

Geneau said the group sent water samples to scientists in the Midwest to test for specific chemicals or toxins, but that the group didn't want to comment further until it had all the results back.

"I think the meeting is a wonderful idea," Geneau said. "Certainly nothing like this has ever happened before."

The meeting would be a good starting point, said Bill Rucker, the general manager of Vallecitos, which had three sewer spills this winter that dumped about 176,000 gallons of wastewater into the lake.

Rucker said that although the spills had little long-term environmental impact, he would be willing to participate in a meeting.

He said he thought the county should help take the lead because all of the other agencies fall within the county jurisdiction.

County Supervisor Bill Horn, however, said the county doesn't contribute much to pollution in the lake because it has little waste running into the creek.

"I'm supportive of the meeting and happy to do what is needed to help them out," Horn said. "The lake needs to be cleaned up and no one has ever done anything to address the problem."

Horn said Vallecitos, San Marcos and Escondido, not the county, were the "major players" because they are upstream from Lake San Marcos and contributing to the pollution problems.

But Escondido officials said that very little runoff from their city reaches the creek and that they know little about the problem.

"Even if we don't feel responsibility for the lake, we would be happy to sit down and talk with them," said Escondido City Manager Clay Phillips.

While Phillips said he had not discussed the issue before with Lake San Marcos officials, San Marcos City Manager Rick Gittings is more familiar with the situation.

Gittings said San Marcos is working on a large development plan that, in part, calls for cleaning up the creek flowing into Lake San Marcos.

"I think the meeting is probably a good idea," Gittings said. "All of those entities have a role in working together to assist each other in cleaning up not just Lake San Marcos, but the entire watershed area."

Contact staff writer David Sterrett (760) 761-4411 or dsterrett@nctimes.com.